



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 2, 2014

By ECF

The Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Renso Sosa
S3 12 Cr. 604 (RA)

Dear Judge Abrams:

The Government respectfully submits this letter to advise the Court of the pertinent facts concerning the assistance that the defendant, Renso Sosa, has rendered in the investigation and prosecution of other persons. In light of these facts, and assuming that the defendant continues to comply with the terms of his cooperation agreement and commits no additional crimes before sentencing, the Government intends to move at sentencing, pursuant to Section 5K1.1 of the Sentencing Guidelines and Section 3553(e) of Title 18, United States Code, that the Court sentence the defendant in light of the factors set forth in Section 5K1.1(a)(1)-(5) of the Guidelines.

Background

Sosa is 44-years old and was born in the Dominican Republic (the "D.R."). He came to the United States legally with his mother in 1989 after having completed his third year of high school in the D.R. Sosa and his mother took up residence in the vicinity of 175th Street in Manhattan and later in the vicinity of 326 Euclid Avenue in Brooklyn.

Upon arriving in the United States, Sosa began working with his stepfather, Rafael Alvarez, who was an electrician. Sosa's mother encouraged him to become an electrician. Sosa worked with Alvarez for a long period of time, but ultimately left to work with other companies. Some of the companies Sosa worked for are Gildstone & Palanti, CQ Electric, NY Protection, and Lerco Electric. Sosa passed the General Educational Development ("GED") tests in the United

States and attended Bronx Community College for a period of time. At Bronx Community College, Sosa obtained certificates of completion for Electrician Levels I and II, but never graduated.

Sosa has two children from his marriage to a woman named Marisol Sosa, whom he married at a young age. Sosa has one child from a relationship he has with a woman named Graciela Jacques. Sosa has two additional children from his relationship with a woman named Sofia Pena.¹

Sosa's arrest stems from his participation in a marijuana grow house conspiracy. On June 22, 2012, agents from Homeland Security Investigations executed a search warrant at a warehouse located at 518 Timpson Place in the Bronx, New York. During the search, agents discovered that the warehouse was being used to operate a substantial marijuana growing operation (the "Grow House"). Agents recovered from the Grow House approximately 433 marijuana plants and a large amount of marijuana growing equipment. Agents also discovered that a second floor and staircase had been built in the Grow House using wood and that other wooden structures had been built in the Grow House to facilitate the growing of marijuana plants. Further investigation revealed that the person operating the Grow House was a man named Amnon Filippi. Filippi employed several people to help him grow marijuana inside the house, including Sosa.²

Sosa's role was to perform electrical work for the Grow House. That work included installing electrical outlets so equipment needed to grow marijuana could be used, fixing odd electrical jobs around the house, and installing surveillance equipment. While Sosa did not see any plants the first time he visited the Grow House, Sosa did, on a subsequent visit, see many marijuana plants on several tables in a small room upstairs. On future occasions, particularly when Sosa installed the surveillance camera, he saw many plants in the large grow room upstairs and also saw plants in the grow room downstairs. The last time Sosa was in the Grow House he saw plants in both the upstairs grow room and downstairs grow room.

Initially, Sosa went to the Grow House every day for about a week. After the initial week of work, Sosa returned to the Grow House several times and worked a total of approximately two to three weeks over the course of approximately two months.

¹ Sosa was required to pay child support to Marisol Sosa and to Graciela Jacques. Sosa paid child support directly to the two women in cash rather than to the court as was required. As a result, court records show that Sosa failed to pay child support. Sosa's child support obligations to Marisol and Graciela have now ended. Sosa had no child support obligations toward the children he had with Sofia Pena.

² Amnon Filippi was arrested on October 23, 2012 on a complaint unsealed the same day. *See* 12 Mag. 2788. A two-count indictment was filed against Filippi on November 26, 2012 charging Filippi, along with Robert Burke and Thomas Motley, with conspiring to distribute and possess with the intent to distribute 100 and more marijuana plants, in violation of Title 21 U.S.C. §§ 846 and 841(b)(1)(B) and with distributing and possessing with the intent to distribute 100 and more marijuana plants, in violation of Title 21 U.S.C. §§ 841(a) and 841(b)(1)(B). *See* S1 12 Cr. 604 (RA). A trial held from October 28, 2013 to November 8, 2013 resulted in a hung jury. A second superseding indictment was filed in or about March 2014, charging Filippi and Renso Sosa with participating in a narcotics conspiracy as in the preceding indictment, and Filippi with manufacturing and distributing, and possessing with the intent to distribute 100 and more marijuana plants. *See* S2 12 Cr. 604 (RA).

Sosa agreed to perform the electrical work at the Grow House for approximately \$11,000. Sosa got paid approximately \$1,500 cash up front by Filippi and received subsequent cash payments from him overtime. However, Sosa cannot remember whether he ultimately received the full \$11,000.³

Upon his arrest in or about March 2014, Sosa immediately began cooperating and informed the Government about Filippi's involvement in the conspiracy. In addition, Sosa provided information concerning his own involvement in the conspiracy as well as those who worked for Filippi at the Grow House. Sosa testified for the Government at Filippi's trial. Filippi was convicted after trial on August 12, 2014.

Sosa's Criminal Conduct

Sosa has told the Government about the following crimes he has committed:

While living in the Dominican Republic, Sosa smoked marijuana and tried cocaine. He otherwise committed no crimes in the D.R.

After arriving in the United States, Sosa sold cocaine and crack in or about 1999/2000 on two occasions, the latter occasion resulting in his arrest, on or about January 22, 2000, by the New York City Police Department ("NYPD") in the Bronx for drug distribution. On that occasion, Sosa was found to be in possession of two medium sized bags of cocaine and 20 individual use zips of crack. According to grand jury testimony of an NYPD officer, Sosa was observed conducting a hand to hand drug transaction with an individual who appeared to be selling drugs in the vicinity of Colgate Avenue in the Bronx. Sosa was initially not truthful with the Government about the events leading to this arrest. Indeed, initially, Sosa told the Government that the drugs in his possession on this occasion were for his personal use; he had never sold drugs; and that he had merely stopped to talk with a drug dealer who he knew. Only after Sosa was confronted with information from a state grand jury proceeding about the large quantity of drugs he had possessed on this occasion – two sandwich bags of cocaine and about 20 dime bags of crack – did Sosa admit that he had been selling drugs. At the same time, Sosa also admitted that, while he previously told the Government he had never sold drugs, he had in fact sold cocaine and crack on one additional occasion prior to this arrest. Sosa's January 22, 2000 arrest led to his conviction, on or about February 2, 2001, in New York State Supreme Court, Bronx County, for Attempted Criminal Possession of a Controlled Substance in the Third Degree. Sosa was sentenced to five years' probation. Although Sosa used cocaine frequently for several months in or about the late 1990s/2000, he never used cocaine again after his arrest in 2000.

On one occasion, Sosa also sold a small amount of marijuana. He was not arrested for this conduct. Sosa has also used marijuana. Sosa smoked marijuana in the D.R. and began using marijuana again in the 2000s but stopped at some point and restarted using marijuana again in 2009. In or about 2010, Sosa began using marijuana regularly after work and used marijuana

³ During the course of his relationship with Filippi, Sosa introduced Filippi to his fiancée, Jennifer Sokira, who later rented a room in her apartment to Filippi. The Government believes Filippi used this room, unbeknownst to Sosa or Sokira, to stash dried and cut marijuana. Filippi rented the apartment for approximately 4 to 6 months.

regularly from that time until his arrest. Consistent with Sosa's marijuana use, Sosa was convicted, on November 17, 2009, in Bronx County Criminal Court, of Unlawful Possession of Marijuana, for which Sosa was sentenced to pay a fine.⁴

In or about 2008 or 2009, Sosa performed electrical work at a marijuana grow house located near 3rd Avenue in Mount Vernon, New York. Specifically, Sosa installed electrical outlets so equipment needed to grow marijuana could be used. The grow house was operated by a person known to Sosa only as "Flaco." Sosa visited this grow house about three times. While there, Sosa observed about 20 to 30 marijuana plants under about three or four hanging lights in a second floor bedroom of a two story residence. While working at Flaco's grow house, Sosa met an individual named "Robert" who later introduced Filippi to Sosa. Sosa observed Robert giving direction to Flaco about how to care for the marijuana plants. Sosa was paid about \$1,200 for his work at Flaco's grow house. Flaco also gave Sosa one marijuana plant to try growing on his own. Sosa attempted to grow that plant but was ultimately unsuccessful as Sosa's dog ate the plant.

At some point Sosa also obtained a fake driver's license in the name "Lorenzo Rosario" from someone named "Hector" on Sedgwick Avenue in the Bronx for \$200. Sosa needed a fake driver's license because his passport was expired. Sosa's fake driver's license was taken away by the police after he was stopped. Sosa also drove regularly without a driver's license and Sosa's license was also suspended numerous times.

In applying to join an Electrician's union, Sosa lied about his prior drug use and criminal record. This occurred in or about 2003 or 2004.

Sosa has failed to pay taxes for several years and owes the Internal Revenue Service money.

Sosa's Cooperation at Trial

Sosa was one of two cooperating witnesses who testified in *United States v. Amnon Filippi*, S2 12 Cr. 604 (RA), a case in which Amnon Filippi was convicted of participating in a drug conspiracy.

Sosa's testimony and cooperation in the Filippi trial was significant and critical to the success of the Government's case. Sosa testified about Filippi's role as the leader of the Grow House. Specifically, Sosa testified about how Filippi hired him to perform various electrical work at the Grow House, work ranging from installing electrical outlets to installing a surveillance system. Sosa also testified about two individuals he regularly saw performing work at the Grow House on behalf of Filippi. Specifically, Sosa stated that he saw a man named "George" taking care of the marijuana plants being grown in the house and a man named "Bob" doing construction work at the Grow House. Sosa also testified that Filippi gave him an opportunity to do more than just perform electrical work for the Grow House. Sosa testified that on one occasion Filippi

⁴ In 2009, Sosa filed an application to renew his green card and provided to the lawyer handling his application court documents reflecting his criminal record. It is unclear why Sosa was not immediately deported once the immigration authorities learned of his narcotics conviction but, by the time of his arrest, Immigration Services was already seeking to remove Sosa from the United States.

offered to pay him money to cut the marijuana plants he was growing so they could be ready to be consumed. Lastly, Sosa testified that Filippi offered to help him grow marijuana himself if he ever chose to do so.⁵

Sosa's testimony was critical to the Government's case. Having Sosa discuss Filippi's Grow House from the perspective of someone who worked for Filippi at the Grow House was extremely powerful and compelling evidence. Other than George Parra, the Government's other cooperating witness, no other Government witness could testify to having worked at the Grow House. As such, the Government's proof with respect to Filippi's role in the charged drug conspiracy rested largely on Sosa's testimony.

Finally, Sosa's cooperation has negatively impacted individuals who are close to him. At trial, Sosa's fiancée, Jennifer Sokira, testified about Filippi confronting her about Sosa's cooperation. Specifically, Sokira testified to Filippi coming to her place of business the day following Sosa's testimony and telling her that Sosa "should have just kept his fucking mouth shut" about what he knew about Filippi. (Trial Tr. 1510). Accordingly, the Government submits that the Court should take into account the impact Sosa's cooperation has had on those around him.

* * * * *

Section 5K1.1 of the Sentencing Guidelines sets forth five non-exclusive factors that sentencing courts are encouraged to consider in determining the appropriate sentencing reduction for a defendant who has rendered substantial assistance: (1) "significance and usefulness" of assistance (§ 5K1.1(a)(1)); (2) "truthfulness, completeness, and reliability" of information and testimony (§ 5K1.1(a)(2)); (3) "nature and extent" of assistance (§ 5K1.1(a)(3)); (4) "any injury suffered, or any danger or risk of injury to the defendant or his family" resulting from assistance (§ 5K1.1(a)(4)); and (5) "timeliness" of assistance (§ 5K1.1(a)(5)).

As detailed above, the Government has determined that Sosa has provided substantial assistance in the investigation of Amnon Filippi. Sosa's assistance was significant and useful in the conviction of Filippi (U.S.S.G. § 5K1.1(a)(1)), the information he provided about the charged conspiracy and other crimes was truthful, complete and reliable (U.S.S.G. § 5K1.1(a)(2)), and his substantial assistance was timely (U.S.S.G. § 5K1.1(a)(5)). Sosa testified in Filippi's trial and spent many hours meeting with different prosecutors in preparing for trial. During his testimony, on both direct and cross, Sosa answered questions directly and forthrightly. He did not minimize his own involvement in the charged crime, nor did he overstate the involvement of others. Sosa simply related the facts to the best of his ability.

It is also significant that Sosa's cooperation could expose him to danger. In the Government's experience, it is common in the federal prison system for inmates in federal prisons to confront new inmates when they arrive at a facility and demand to see their legal papers in order to determine if they cooperated. It also is common for inmates to pass messages to one another concerning the identity of cooperating witnesses. Cooperating witnesses who are discovered can

⁵ Ultimately, Sosa chose not to participate in the cutting of Filippi's marijuana plants and he did not seek Filippi's help in growing marijuana as he chose not to grow marijuana.

be subject to harsh treatment – including violent assaults – at the hands of the other prisoners. Thus, Sosa may be at risk of having fellow inmates learn about his cooperation and he may be subject to retaliation because of it.

Conclusion

In sum, Sosa provided substantial assistance to law enforcement by supplying information about other persons, including those with whom he had conspired to violate federal and state laws. For the reasons set forth above, and assuming that Sosa continues to comply with the terms of his cooperation agreement and commits no additional crimes before sentencing, the Government intends to move at sentencing, pursuant to Section 5K1.1 of the Sentencing Guidelines and Section 3553(e) of Title 18, United States Code, that the Court sentence the defendant in light of the factors set forth in Section 5K1.1(a)(1)-(5) of the Guidelines.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ Robert L. Boone
Robert L. Boone/Elisha J. Kobre
Assistant United States Attorneys
(212) 637-2208/2599

cc: Michael Strage, Esq.